

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

TIMOTHY L. BRADDY, ET AL.,)
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Plaintiffs,)
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v.) CAUSE NO. 3:10-CV-471-RL-CAN
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CUMMINS INC., ET AL.,)
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Defendants.)

REPORT AND RECOMMENDATION

On May 29, 2013, this Court ordered Plaintiffs to show cause by June 14, 2013, why this case should not be dismissed for failure to comply with Court's local rules. Specifically, the Local Rules allow only members of the Court's bar to represent parties before the Court. *See* N.D. Ind. L.R. 83-5(a)(1). In this case, Plaintiffs' counsel, Michael C. Hudson was first notified that he was not admitted to the bar of this Court on December 20, 2010. On January 3, 2011, Mr. Hudson advised the Court that he is aware that he is not a member of the bar of this Court and is in violation of this Court's local rules. In June 2013, Mr. Hudson once again informed the Court that he is aware that he is not a member of the bar of this Court, that he does not intend to seek admission to the bar, and that he does not intend to make any filings in the case as a result. However, as of this date, Plaintiffs have not responded to this Court's order to show cause.

Under Fed. R. Civ. P. 41(b), a plaintiff's case may be dismissed for failure to prosecute his claim or to comply with court orders. Plaintiffs have failed to comply with this Court's order and have made no effort to prosecute their claim since it was transferred to this Court on November 9, 2010. Moreover, they have provided no written documentation explaining their inaction. This Court can only assume that Plaintiffs have abandoned their case. Consequently, for the aforementioned reasons, this Court **RECOMMENDS** that Plaintiffs' case be

DISMISSED WITHOUT PREJUDICE.

NOTICE IS HEREBY GIVEN that within fourteen (14) days after being served with a copy of this recommended disposition a party may serve and file specific, written objections to the proposed findings and/or recommendations. Fed.R.Civ.P. 72(b). FAILURE TO FILE OBJECTIONS WITHIN THE SPECIFIED TIME WAIVES THE RIGHT TO APPEAL THE DISTRICT COURT'S ORDER.

SO ORDERED.

Dated this 20th day of June, 2013.

S/Christopher A. Nuechterlein
Christopher A. Nuechterlein
United States Magistrate Judge